

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA

v.

RICHARD HAMLETT,

Defendant.

)
) **Case No. 7:24-CR-** 8
)

) **In violation of:**

) **18 U.S.C. § 157(1)**

) **18 U.S.C. § 152(3)**

) **18 U.S.C. § 1623(a)**

) **18 U.S.C. § 1001(a)(2)**

The Grand Jury charges:

INTRODUCTION

At all times relevant to this Indictment:

1. RICHARD HAMLETT was a real estate developer in Roanoke, Virginia.
2. HAMLETT was the President of Northview Corporation (“Northview”) and the principal of Virginia My Home LLC (“VMH”).

Bankruptcy Proceedings

3. The filing of a bankruptcy petition was and is governed by Title 11 of the United States Code. The person or entity filing the bankruptcy petition was and is referred to as the “debtor.”

4. In general, the filing of a bankruptcy petition triggered and triggers an “automatic stay” of all acts and proceedings against the debtor and its property. This automatic stay provision prohibited and prohibits creditors from pursuing the collection of debts and proceeding with real estate foreclosure proceedings, among other things.

5. A debtor was and is required to file several documents either with or within fourteen days of the filing of a bankruptcy petition, including a Statement of Financial Affairs and various schedules of assets and debts. If a debtor were to file a bankruptcy petition without including the

required supporting documentation (i.e., a “skeleton” bankruptcy petition), or without failing to supplement the petition in a timely manner, the petition is subject to dismissal.

6. The filing of a skeleton bankruptcy petition for the sole purpose of obtaining an automatic stay to thwart a pending foreclosure or other collection action, without the intent to complete the bankruptcy filing and comply with the requirements of the bankruptcy court, perpetrates a fraud upon the creditors of the debtor.

7. The local rules for the United States Bankruptcy Court for the Western District of Virginia (the “Bankruptcy Court”) required that corporations and limited liability companies be represented by counsel during all actions and proceedings occurring in the Bankruptcy Court.

The VMH Bankruptcy Proceedings

8. On or about July 8, 2022, HAMLETT filed and caused to be filed with the Bankruptcy Court a skeleton Chapter 11 bankruptcy petition, naming VMH as the debtor, to halt a foreclosure on one of his properties, 5735 Reserve Point Lane in Roanoke, Virginia. HAMLETT failed to pay the filing fee or to obtain bankruptcy counsel for VMH.

9. The Bankruptcy Court ordered VMH to pay the filing fee and to obtain bankruptcy counsel by a particular deadline. When VMH failed to timely pay the filing fee, on or about July 26, 2022, the Bankruptcy Court dismissed VMH’s bankruptcy case. VMH had also failed to obtain bankruptcy counsel up to this point.

10. On or about January 6, 2023, HAMLETT filed and caused to be filed with the Bankruptcy Court a skeleton Chapter 7 bankruptcy petition, naming VMH as the debtor. HAMLETT failed to pay the filing fee or to obtain bankruptcy counsel for VMH.

11. On or about January 20, 2023, HAMLETT filed and caused to be filed with the Bankruptcy Court an amended Chapter 7 bankruptcy petition for VMH. HAMLETT failed to pay the filing fee or to obtain bankruptcy counsel for VMH.

12. The Bankruptcy Court ordered VMH to pay the filing fee and to obtain bankruptcy counsel by a particular deadline, or to appear and show cause why VMH's case should not be dismissed with a one-year bar to refiling. When VMH failed to timely pay the filing fee or obtain counsel, on or about January 31, 2023, the Bankruptcy Court dismissed VMH's bankruptcy case.

13. In conjunction with dismissing VMH's January 2023 bankruptcy case, the Bankruptcy Court issued an order prohibiting VMH from filing a new petition in the Bankruptcy Court for one year.

The Northview Bankruptcy Petition

14. On or about June 13, 2023, HAMLETT prepared and caused to be prepared a skeleton Chapter 13 bankruptcy petition for Northview. HAMLETT fraudulently signed the petition using the name R.R. and falsely represented on the petition that R.R. was the "Vice President" of Northview.

15. Also on or about June 13, 2023, HAMLETT went to the clerk's office at the Bankruptcy Court to file the skeleton Chapter 13 Bankruptcy petition for Northview. In doing so, HAMLETT pretended to be a fictitious person—specifically, George R., the purported nephew of R.R. While pretending to be George R., HAMLETT filed and caused to be filed with the Bankruptcy Court the skeleton Chapter 13 bankruptcy petition, naming Northview as the debtor, to halt a foreclosure on one of his properties, 1215 Crescent Street NW, Roanoke, Virginia. HAMLETT failed to pay the filing fee or to obtain bankruptcy counsel for Northview.

16. On or about June 14, 2023, the Bankruptcy Court issued a show cause order, noting multiple deficiencies in the Northview bankruptcy petition and ordering Northview to appear for a June 26, 2023 show cause hearing to explain why the petition should not be dismissed.

17. On or about June 26, 2023, HAMLETT appeared for the show cause hearing and testified under oath. In his testimony, HAMLETT made multiple false statements to the Bankruptcy Court, including stating that R.R. had signed the Northview bankruptcy petition and that George R. had filed the petition.

COUNT ONE
(Bankruptcy Fraud)

18. The Introduction to this Indictment is realleged and incorporated as if fully set forth herein.

19. On or about June 13, 2023, in the Western District of Virginia, the defendant, RICHARD HAMLETT, devised and intended to devise the scheme and artifice described in Paragraphs 14 through 17 to defraud the United States Bankruptcy Court for the Western District of Virginia and Northview's creditors. For the purpose of executing and concealing said scheme and artifice, HAMLETT filed and caused to be filed a petition under Title 11, United States Code, to wit, a Chapter 13 bankruptcy petition for Northview Corporation.

20. In violation of Title 18, United States Code, § 157(1).

COUNT TWO
(False Bankruptcy Declaration)

21. The Introduction to this Indictment is realleged and incorporated as if fully set forth herein.

22. On or about June 13, 2023, in the Western District of Virginia, the defendant, RICHARD HAMLETT, knowingly and fraudulently made a material false declaration, certificate,

verification, and statement under the penalty of perjury, as provided under Section 1746 of Title 28, and in relation to a case under Title 11, *In re: Northview Corporation*, Case No. 23-70423, by fraudulently signing the name of R.R. on a Chapter 13 bankruptcy petition for Northview Corporation.

23. In violation of Title 18, United States Code, § 152(3).

COUNT THREE
(Perjury)

24. The Introduction to this Indictment is realleged and incorporated as if fully set forth herein.

25. On or about June 26, 2023, in the Western District of Virginia, the defendant, RICHARD HAMLETT, while under oath and testifying in a proceeding before the United States Bankruptcy Court for the Western District of Virginia, knowingly made a false material declaration.

26. At an evidentiary hearing at the time and place alleged, HAMLETT was called to testify about the June 13, 2023, filing of a Chapter 13 bankruptcy petition for Northview Corporation.

27. At the time and place alleged, HAMLETT, while under oath, knowingly made the following false material declarations before said Court when questioned by the Court and by a Trial Attorney with the Office of the United States Trustee:

Question: Did you bring the petition down to the Bankruptcy Court and file it?

HAMLETT: No, sir, I did not.

Question: You did not?

HAMLETT: No.

Question: Okay, alright. So who – who did?

HAMLETT: Um. [R.R.] did. But I think he wound up in the hospital that day.

Question: Okay. What is [R.R.]’s connection to Northview Corporation?

HAMLETT: He – he’s been an employee since April of this year. And I’ve got the information of the corporation commission.

Question: Okay, he’s an employee?

HAMLETT: Yes.

Question: Okay, who’s – who’s the president?

HAMLETT: I’m the president. He’s the vice president.

Question: He’s vice president?

HAMLETT: Yes, sir.

Question: Mr. Hamlett, I’ve handed you a document I’ve marked for identification as U.S. Trustee Exhibit 2. Do you recognize this document?

HAMLETT: Yes, I’ve seen this document. Yes.

Question: And this is the petition for Northview Corporation?

HAMLETT: Yes, sir.

Question: I – I see some handwriting on the – this first page. Is that your handwriting?

HAMLETT: I don’t really think I wrote that [unintelligible].

Question: I didn’t catch that, Mr. Hamlett.

HAMLETT: No. No.

Question: And if I could ask you to find the page, uh, you’ll see at the bottom it says “page 8 of 9.”

HAMLETT: Okay.

Question: Is – is this your handwriting on this page?

HAMLETT: I don't see any handwriting on the page. Page 2, is that what you said?

Question: Page 8 of 9.

HAMLETT: Eight. Eight.

Question: Yes. Yes, sir.

HAMLETT: **No, that's not my writing.**

Question: Uh, whose handwriting is it?

HAMLETT: **[R.R.]**.

Question: And you said he was in the hospital until the date—?

HAMLETT: **He went in – he went in the hospital that day.**

Question: So who filled out the petition?

HAMLETT: **[R.R.] filled it out.**

Question: Tell me again. Who selected Chapter 13 on this paperwork?

HAMLETT: **[R.R.] did that. He put the – he filled these papers out and he selected 13.**

He should have been 11 instead of 13 is what he should have been.

Question: Okay. But I – I thought you said that you had trouble and couldn't see and marked the wrong box.

HAMLETT: **No, I didn't – I didn't mark it down. Somebody else marked it down. I don't know who marked it out. Somebody else marked that out. I've never even seen this person. I've never seen this paper.**

Question: Mr. Hamlett, did you know this petition was going to be filed before it was filed?

HAMLETT: Yes, I knew it was going to be filed, yes.

Question: Okay, how did you know?

HAMLETT: **He told me he was gonna file it.**

Question: Okay. Who took the – if he was in the hospital, who took it down there for him to sign it?

HAMLETT: **His nephew took it down there.**

Question: What was his name?

HAMLETT: **George.**

28. The aforesaid testimony of RICHARD HAMLETT, as he then knew and believed, was false in that:

- a. HAMLETT personally filled out and signed the June 13, 2023, Chapter 13 bankruptcy petition, which R.R. had no part in;
- b. HAMLETT personally brought the petition to the clerk's office for the United States Bankruptcy Court for the Western District of Virginia, pretended to be George R., and demanded that the petition be filed;
- c. R.R. was not in the hospital on June 13, 2023;
- d. R.R. was not an employee or vice president of Northview Corporation as of June 26, 2023; and
- e. R.R. does not have a nephew named George.

29. In violation of Title 18, United States Code, § 1623(a).

COUNT FOUR
(False Statement)

30. The Introduction to this Indictment is realleged and incorporated as if fully set forth herein.

31. On or about September 26, 2023, in the Western District of Virginia, the defendant, RICHARD HAMLETT, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States. On or about that date in the Western District of Virginia, HAMLETT was interviewed by special agents with the Federal Bureau of Investigation about the June 13, 2023, filing of a Chapter 13 bankruptcy petition for Northview Corporation. HAMLETT was asked and answered the following:

Question: So this is actually [R.R.]?

HAMLETT: [R.R.].

Question: And how long has he been an officer of the corporation?

HAMLETT: **Since last year.**

Question: And then when we talked, you said that George [R.] was some – was somewhere in town somewhere.

HAMLETT: I don't know where he lives, no.

Question: You – you don't know where he's at? Okay. Have you ever met him?

HAMLETT: No, no I haven't.

Question: And he lives somewhere in town as far as you know?

HAMLETT: **As far as I know, yes.**

Question: Okay. Do you have any contact phone – no phone number or nothing?

HAMLETT: No, he was – **he was [R.R.’s] nephew, I think.**

Question: You have no idea what he looks like? Is he –

HAMLETT: I don’t know anything about him.

Question: And so what Mr. [R.] did is he – he went into the courthouse and –

HAMLETT: **And he took it in.**

Question: Yeah, so George [R.] went in and he said “hey, I’m George [R.]. I’m [R.R.’s] nephew. Um, I want to file this paperwork for Northview Corporation?”

HAMLETT: That’s not what happened.

Question: Well, what happened then?

HAMLETT: Want to know what happened? **He took it in, and he took it in and he told them that, uh, [R.R.] went into the hospital that day and he couldn’t come in and he had to come in and file the paper and that’s all he knew about it.**

Question: So, George went in because [R.R.] went into the hospital?

HAMLETT: **Yeah, [R.R.] went in the hospital that day.** [unintelligible]

Question: And then George just filed the paperwork?

HAMLETT: **Yeah,** and then [unintelligible] 5:00 because by 5:00 I got a message at 4:30 but it was about 5:00.

Question: Alright, so George went in around 5:00 and because [R.R.] was in the hospital, and he just – what’d he do, just drop the paperwork off?

HAMLETT: **Took the paper over to there and gave it to the girl and said, uh, he – he told them right then to record it, get it recorded. And, uh, that’s all I know about it.**

Question: And that wasn't you? You did not go into the courthouse and file that paperwork?

HAMLETT: **No, I didn't. No, I didn't.**

Question: Okay, um,

HAMLETT: I got in there, they got in there – they said something, uh, they, uh, the girl followed him out of the car and saw the car sitting out there. And it was, uh, it was my car.

He – he did have my car. What it was, cuz [R.R.] had my car, so he had my car.

Question: Oh, okay. So – so did George drive the – your car?

HAMLETT: **Yes.**

Question: Why did you loan your car to [R.R.]?

HAMLETT: **He – he was doing work and – and – and he was doing work and, uh, the company had to do some stuff. He had to take it down there, so I let him have the car. That's what I did.**

Question: Okay.

HAMLETT: **And he went to the hospital on an emergency. He had – he was – I think he was at the Kroger, the Walmart—somewhere.**

Question: Uh-huh

HAMLETT: **And, uh, he had an attack, a diabetic. It hit him. Uh, and he passed out.**

Question: So, the clerk at the courthouse that took the paperworks was absolutely positive it was you that came in and delivered the paperwork. And she said she's worked with you several times in the past. You had an exchange about wanting to file Chapter 13 or

something like that, and she tried to correct you. And you said “no, just take the paperwork.”

HAMLETT: **No, no, you got – you got it all wrong. You’re getting all the information wrong.**

Question: Well, I’m telling you the clerk said that she was interacting with you.

HAMLETT: Yeah.

Question: And that you had claimed to be George.

HAMLETT: **She – she’s mistaken.**

Question: But the fact that the clerk is positive you were impersonating George [R.].

HAMLETT: **I didn’t impersonate anybody. I wasn’t even there.**

32. HAMLETT’s bolded statements and representations were materially false, fictitious, and fraudulent because, as HAMLETT then and there knew:

- a. HAMLETT did not name R.R. to be Vice President of Northview Corporation prior to June 30, 2023;
- b. R.R. did not actually serve as Vice President of Northview Corporation and was not aware that Hamlett had named him as such;
- c. R.R. did not have a nephew named George;
- d. HAMLETT personally brought the petition to the clerk’s office for the United States Bankruptcy Court for the Western District of Virginia, pretended to be George R., and demanded that the petition be filed;
- e. R.R. did not have a diabetic attack on June 13, 2023;

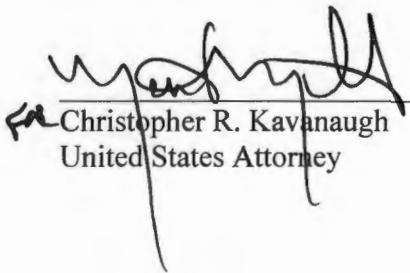
f. R.R. was not in the hospital on June 13, 2023; and

g. HAMLETT did not lend R.R. his car on June 13, 2023.

33. In violation of Title 18, United States Code, § 1001(a)(2).

A TRUE BILL, this 22nd day of February, 2024.

s/Grand Jury Foreperson
FOREPERSON



Christopher R. Kavanaugh
United States Attorney